

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN AND EMILIE MCGRATH : CIVIL ACTION
: :
v. : :
: :
RUST-OLEUM CORPORATION, ET AL. : NO. 12-1719

ORDER

AND NOW, this 11th day of June, 2013, upon consideration of Plaintiffs' Motion for Partial Summary Judgment (Docket No. 26), Defendants' Motion for Summary Judgment (Docket No. 25), and all documents filed in connection therewith, and after hearing argument on the Motions on April 29, 2013, for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Plaintiffs' Motion is **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** insofar as we hold that the Watco Teak Oil Finish is a misbranded hazardous substance due to the label's failure to reference linseed oil as a hazardous component. The Motion is **DENIED** in all other respects.
2. Defendants' Motion is **DENIED** in its entirety.

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.